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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,936	07/16/2003	James M. Carroll	638560-24	8876
23879	7590	03/18/2004	EXAMINER	
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899				PURVIS, SUE A
ART UNIT		PAPER NUMBER		
1734				

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/620,936	CARROLL ET AL.
	Examiner	Art Unit
	Sue A. Purvis	1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20 Oct 2003
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8-12, 14, 16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimota (US Patent No. 3,660,191).

Shimota discloses a carpet seaming method using a seaming iron with a thermally conductive platen including a heating element (2) and a bridge (8) configured to provide a passageway between the upper surface of the platen and an undersurface of the bridge, the passageway large enough to permit a length of seaming tape to be drawn lengthwise through the passageway over the platen. Shimota also includes a handle (7) connected to the bridge, the handle extending above the passageway away from the platen. (See Figures 1 through 3; Col. 3, lines 63-75; Col. 4, lines 1-75.)

Regarding claim 2, the bridge extends to provide a blade-like support between the handle and the bridge.

Regarding claim 3, the blade-like support is oriented along a central longitudinal axis of the platen.

Regarding claim 4, Shimota includes heat protective means on the bottom surface (5) of the platen.

Regarding claim 8, the upper surface of the platen is substantially flat.

Regarding claim 9, the bottom surface of the platen is substantially flat.

Regarding claim 10, the platen is tapered to a minimum thickness adjacent to its trailing edge.

Regarding claim 11, the seaming iron in Shimota has a somewhat flat upper surface platen, however the trailing edge slopes downward creating a generally convex curvature.

Regarding claim 12, the upper surface of the platen is shaped progressively flatter towards the trailing edge.

Regarding claim 14, Shimota includes an electrical connector (9) adjacent to a side of the platen, for connecting the heating element to a source of electrical power.

Regarding claim 16, Shimota includes a protection means (5) disposed on the upper surface of the platen.

Regarding claims 18-20, the in Shimota includes seaming adjacent pieces of carpet using a thermally-activated seaming tape having a thermal adhesive on an upper side of the tape, and a seaming iron having a passageway interposed between a handle and a heated platen. The carpets is positioned between the platen and bridge (8) with the handle (7) protruding between and above the adjacent pieces of carpet. The seaming tape is positioned in the passageway in contact with the platen and is heated to melt the thermal adhesive on the seaming tape. The carpet is positioned the carpet together with the backing of each of the adjacent pieces of carpet in the molten portion of the seaming tape; and the seaming iron is moved forward between the adjacent pieces of carpet.

3. Claims 1, 5, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US Patent No. 4,584,040).

Anderson discloses a seaming iron for use with thermally-activated seaming tapes, the seaming iron comprising a thermally conductive platen (100) with a heating element and a bridge (110) connected to the platen. The bridge is configured to provide a passageway between the upper surface of the platen and an undersurface of the bridge; the

passageway is large enough to permit a length of seaming tape (11) to be drawn lengthwise through the passageway over the platen. Anderson also includes a handle (104) connected to the bridge and extending above the passageway away from the platen.

Regarding claim 5, Anderson includes thermal insulating material (20) spaced apart from the bottom surface of the platen.

Regarding claim 15, the bridge includes parallel sidewalls spaced a distance apart, the distance approximately equal to a maximum width of the seaming tape.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimota as applied to claim 1 above, further in view of Hall (US Patent No. 5,250,139).

Shimota does not mention if the handle is insulated.

Hall discloses using a thermally insulated handle in a carpet seaming iron.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a handle made of a thermally non-conductive material, because such a material would protect the users hand.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied to claim 1 above.

Anderson teaches a plurality of bridges (110) can be used thus the portions (110) are effectively movable in a direction along a longitudinal axis of the platen.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that instead of adding bridge portions an alternative would be to have the portions movable.

7. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimota as applied to claim 1 above, and further in view of Milnes (US Patent No. 4,438,323).

Milnes discloses a seaming iron which is generally curved on opposite sides. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include generally concave curvature on opposite sides of a ridge running along a central longitudinal axis of the platen in the device of Shimota, because the general shape of the iron is a matter of design choice and Milnes discloses a curved surface is known in the art.

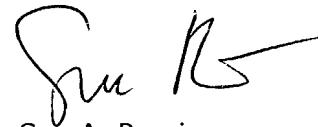
Regarding claim 17, Milnes includes a thermocouple (34) which is a temperature sensing means and configured to measure a temperature of the tape. It would have been obvious to one having ordinary skill in the art at the time the invention was made that an alternative to sensing the tape would be to measure the temperature of the heating platen to ensure it is not too hot.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis
Examiner
Art Unit 1734

SP
March 14, 2004